

## PUBLIC HEALTH DEPARTMENT[641]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 105.4, the Iowa Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 27, “Plumbing and Mechanical Systems Examining Board—Administrative and Regulatory Authority,” Iowa Administrative Code.

The rules in Chapter 27 describe the purpose and organization of the Plumbing and Mechanical Systems Board. These amendments reflect the changes mandated by 2009 Iowa Acts, Senate File 224.

Consideration will be given to all written suggestions or comments on the proposed amendments on or before December 22, 2009. Such written comments should be directed to Cindy Houlson, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)281-4529 or by E-mail to [choulson@idph.state.ia.us](mailto:choulson@idph.state.ia.us).

Also, there will be a public hearing on December 22, 2009, from 11 a.m. to 1 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

Public Library  
529 Pierce Street  
Sioux City

Public Library  
400 Willow Avenue  
Council Bluffs

Public Library, Meeting Room C  
415 Commercial Street  
Waterloo

Ottumwa Regional Health Center  
1001 E. Pennsylvania  
Ottumwa

Public Library Information Ctr., Kelinson Rm.  
2950 Learning Campus Drive  
Bettendorf

Hoover State Office Building, First Floor  
1305 East Walnut  
Des Moines

Iowa Western Community College – 2  
923 East Washington  
Clarinda

Mason City National Guard Armory  
1160 19th Street SW  
Mason City

Crestwood High School  
1000 4th Avenue East  
Cresco

Archdiocesan Pastoral Center  
1229 Mount Loretta  
Dubuque

Spirit Lake High School  
2701 Hill Avenue  
Spirit Lake

Prairie Lakes Area Education Agency  
1 Triton Circle, Library Bldg.  
Fort Dodge

Kirkwood Community College  
Room 117  
1816 Lower Muscatine Road  
Iowa City

Burlington High School  
421 Terrace Drive  
Burlington

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Public Health and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 105 and 2009 Iowa Acts, Senate File 224.

The following amendments are proposed.

ITEM 1. Amend **641—Chapter 27**, title, as follows:  
**PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD—ADMINISTRATIVE AND REGULATORY AUTHORITY**

ITEM 2. Amend rule **641—27.1(17A,105)**, definitions of “Board,” “License” and “Licensee,” as follows:

“*Board*” means the plumbing and mechanical systems ~~examining~~ board.

“*License*” means a license to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or install geothermal heat pump systems or work in the specialty license disciplines developed by the board.

“*Licensee*” means a person or entity licensed to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or install geothermal heat pump systems or work in the specialty license disciplines developed by the board.

ITEM 3. Rescind the definition of “Overpayment” in rule **641—27.1(17A,105)**.

ITEM 4. Amend rule 641—27.2(17A,105) as follows:

**641—27.2(17A,105,83GA,SF224) Purpose of board.** The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A and 105 with regard to the licensing and regulation of plumbers, ~~and mechanical professionals, and contractors.~~ The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and regulations of the licensure board. Responsibilities include, but are not limited to:

**27.2(1)** Licensing of qualified applicants to operate as a contractor or work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines or work as a certified medical gas system installer or install geothermal heat pump systems or work in the specialty license disciplines developed by the board by examination, renewal, endorsement, and reciprocity.

**27.2(2)** and **27.2(3)** No change.

ITEM 5. Amend subrule 27.3(1) as follows:

**27.3(1)** The board shall be composed of 11 members appointed by the governor ~~and confirmed by the senate.~~ The board members identified in subrule 27.3(2), paragraphs “c” to “i,” are subject to confirmation by the senate.

ITEM 6. Amend paragraph **27.3(8)“e”** as follows:

*e.* Investigate alleged violations of statutes or rules that relate to operation as a contractor; work in the plumbing trade, HVAC trade, refrigeration trade, or hydronic trade disciplines; work as a certified medical gas system installer; installation of geothermal heat pump systems; or work in the specialty license disciplines developed by the board upon receipt of a complaint or upon the board’s own initiation. The investigation will be based on information or evidence received by the board.

ITEM 7. Amend rule 641—27.4(17A,105) as follows:

**641—27.4(17A,105) Official communications.**

**27.4(1)** All official communications, including submissions and requests, may be addressed to the Plumbing and Mechanical Systems ~~Examining~~ Board, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319-0075.

**27.4(2)** and **27.4(3)** No change.

ITEM 8. Amend subrule 27.6(1) as follows:

**27.6(1)** At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period, any person may speak for up to two minutes. ~~Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and may be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson stipulates otherwise.~~ Any additional time allowances will be at the discretion of the chairperson or acting chairperson.